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UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

26218 SOUTH BUTTONWOOD DRIVE,  
 SUN LAKES, ARIZONA, TOGETHER  
 WITH ALL APPURTENANCES,  
 FIXTURES, ATTACHMENTS, AND  
 IMPROVEMENTS THERETO AND  
 THEREUPON,

Defendant.

CV-12-0496-LRS

Order of Forfeiture of Substitute  
Res

Plaintiff, United States of America, filed a Verified Complaint for Forfeiture In Rem on August 3, 2012, alleging that the Defendant property was subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(C). ECF No. 1.

The above court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant real property is located at 26218 South Buttonwood Drive, Sun Lakes, Arizona, and is legally described in the Verified Complaint for Forfeiture In Rem.

According to Maricopa County Assessor real property records, Octotillo K, LLC, is the owner of the real property.

On or about November 30, 2012, the United States Marshals Service posted a Notice of Complaint for Forfeiture (ECF No. 9), and copies of the Verified Complaint for Forfeiture In Rem (ECF No. 1), Order Reassigning Case (ECF No. 3), and the Lis Pendens (ECF No. 4), upon the Defendant real property (ECF No. 10).

1 On or about November 28, 2012, Ocotillo K, LLC, was served, via certified  
2 mail, return receipt requested, in care of Manager, Kimberly Jeffreys, and in care of  
3 Registered Agent, Elizabeth S. Ashley, Esq., with copies of the Verified Complaint  
4 for Forfeiture In Rem (ECF No. 1), the Lis Pendens (ECF No. 4), the Order  
5 Reassigning Case (ECF No. 3), and the Notice of Complaint for Forfeiture. ECF Nos.  
6 7 and 7-1. Based upon the direct notice service date, Ocotillo K, LLC's, deadline to  
7 file a timely claim was January 2, 2013. On or about December 21, 2012, Ocotillo K,  
8 LLC, filed a verified claim signed by "Kim Jeffreys, Owner". ECF No. 12. On or  
9 about January 11, 2013, the United States and Claimant, Ocotillo K, LLC, entered into  
10 a Stipulation Extending Time to Answer or Otherwise Move. ECF No. 14. On or  
11 about March 8, 2014, Ocotillo K, LLC, filed its Answer to Complaint. ECF No. 15.  
12 On or about July 29, 2014, the United States and Ocotillo K, LLC, by and through its  
13 Owner/Manager, Kimberly Jeffreys, entered into a settlement agreement and  
14 stipulation for forfeiture (ECF No. 18), in accordance with her plea agreement filed in  
15 United States v. Kimberly Jeffreys, 2:13-CR-12-RMP-2 (ECF No. 452 at 7 and 8),  
16 filed herein on September 23, 2014, in which Kimberly Jeffreys agreed to provide  
17 \$125,000.00 substitute res in lieu of forfeiture of the Defendant real property.

18 On or about November 28, 2012, Gregory Jeffreys, was served, via certified  
19 mail, return receipt requested, at his last known addresses, with copies of the Verified  
20 Complaint for Forfeiture In Rem (ECF No. 1), the Lis Pendens (ECF No. 4), the Order  
21 Reassigning Case (ECF No. 3), and the Notice of Complaint for Forfeiture. ECF Nos.  
22 5 and 5-1. Based upon the direct notice service date, Gregory Jeffreys's deadline to  
23 file a timely claim was January 2, 2013. On or about December 31, 2012, Gregory  
24 Jeffreys filed a Waiver, acknowledging receipt of notice; and, waiving, relinquishing  
25 and giving up any right to the Defendant real property. ECF No. 13. On or about  
26 February 3 and 6, and June 5, 2014, the United States and Gregory Jeffreys, by and  
27 through his attorney, Mark Vovos, entered into a stipulation for forfeiture (ECF No.  
28 17), in accordance with his plea agreement filed in United States v. Gregory D.

1 Jeffreys, 2:13-CR-12-RMP-1 (ECF No. 403 at 15 - 17), filed herein on September 23,  
2 2014, in which Gregory Jeffreys stipulated and agreed to the forfeiture of any interest  
3 he has or may have in the Defendant real property.

4 On or about August 12, 2014, the United States was notified by the United  
5 States Marshals Service in Arizona, that they had received a check in the amount of  
6 \$125,000.00 in substitute res in lieu of forfeiture of the Defendant real property.

7 It appearing to the Court that the United States and real property owner Ocotillo  
8 K, LLC/Kimberly Jeffreys agreed in the settlement agreement and stipulation filed  
9 herein to the forfeiture of \$125,000.00 substitute res in lieu of forfeiture of the  
10 Defendant real property;

11 It also appearing the Gregory Jeffreys waived and relinquished any interest he  
12 has or may have in the Defendant real property;

13 It further appearing to the Court that the \$125,000.00 in substitute res has been  
14 provided to the United States as agreed;

15 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the  
16 Plaintiffs' Motion For Entry Of An Order Of Forfeiture Of Substitute Res, ECF No.  
17 20, is GRANTED, and the \$125,000.00 substitute res is hereby forfeited to the United  
18 States;

19 IT IS FURTHER ORDERED that the United States Marshal's Service shall  
20 dispose of the \$125,000.00 in accordance with law.

21 DATED this 25th day of September, 2014.

*s/Lonny R. Suko*

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Lonny R. Suko  
Senior United States District Judge

24 Presented by:  
25 Michael C. Ormsby  
26 United States Attorney  
27 s/James A. Goeke  
28 James A. Goeke  
Assistant United States Attorney